

REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-32 are pending in the application. The Examiner additionally stated that claims 1-32 are rejected. By this amendment, claims 4-5 and 29-31 have been cancelled; claims 1, 6-7, 17 and 32 have been amended; and new claims 33-59 have been added. Hence, claims 1-3, 6-28, and 32-59 are pending in the application.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments.

In the Specification

Applicant has amended the specification, as requested by the Examiner with respect to claim 32, to remove carrier wave as a possible computer readable medium. No new matter is presented.

In the Claims

Priority Claim

In the Office Action, the Examiner indicated that claims 1-32 are not entitled to the benefit of provisional application 60/440,063 because the specification of the provisional application fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S. C. 112 for the claims. Although the present claims were not entitled to the benefit of the provisional application, Applicant responds that it is his desire, and hereby provides notice of intent, to pursue claims which are disclosed in the provisional application, in the instant application, or in a continuation application thereof.

Rejections Under 35 U.S.C. §101

The Examiner rejected claim 32 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant has amended claim 32 as requested by the Examiner.

Allowable Subject Matter

The Examiner objected to claims 5 and 6 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant appreciates the Examiner's consideration and indications of allowability of these claims. By this amendment, the allowable limitation of claims 4 and 5 has been incorporated into the language of claim 1. Claims 4 and 5 have been cancelled and those claims depending from claims 4 have been amended to now depend from claim 1, as appropriate. Furthermore, new claims 33-46 have been added. New claim 33 includes the limitations of original claims 1, 4 and 6. Claims 34-46 depend from claim 33 or an intermediate claim dependent from claim 33, and incorporate the limitations of original claims 2-3, 5 and 7-16, respectively.

Furthermore, the Examiner indicated in the Office Action that claim 17 recites the same limitations as claim 1 but is claimed as a method. Applicant has amended claim 17 to incorporate the allowable limitation of claims 4 and 5. Furthermore, new claims 47-58 have been added. New claim 47 includes the limitations of original claims 17, 4 and 6. Claims 48-58 depend from claim 47, and incorporate the limitations of original claims 18-28, respectively.

Furthermore, the Examiner indicated in the Office Action that claim 32 recites the same limitations as claim 1 but is claimed as a computer readable medium. Applicant has amended claim 32 to incorporate the allowable limitation of claims 4 and 5. Furthermore, new claim 59 has been added. New claim 59 includes the limitations of original claims 32, 4 and 6.

CONCLUSIONS

In view of the arguments advance above, Applicant respectfully submits that claims 1-3, 6-28, and 32-59 are in condition for allowance. Reconsideration of the rejections is requested, and allowance of the claims is solicited.

Applicant earnestly requests that the Examiner contact the undersigned practitioner by telephone if the Examiner has any questions or suggestions concerning this amendment, the application, or allowance of any claims thereof.

Respectfully submitted,

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5/22/2006

Date: _____